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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/643,026	08/21/2000	Alain Dominique Sismondi	01006US01	8420

7590

02/24/2004

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EXAMINER

HESS, BRUCE H

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/643,026

Applicant(s)

Sismondi et al.

Examiner

Bruce Hess

Group Art Unit

1774

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☒ Responsive to communication(s) filed on 9-9-02 (Amendment)
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-19 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-19 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some\* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Int. view Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo et al. (U.S.P. 5, 320,897) in view of applicant's statement of the prior art.

Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (U.S.P. 4,649,064) in view of applicant's statement of the prior art.

Claims 1-16, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akusts et al (U.S.P. 4,740,420) in view of applicant's statement of the prior art.

Claims 1-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aono et al. (U.S.P. 4,946,781) in view of applicant's statement of the prior art.

The teaching of the primary references are discussed in the last Office action. Applicant acknowledges in his specification that the surface pH of ink jet receiving sheets is a result-effective parameter (see page 2, lines 5-9 and page 3, lines 8-12).

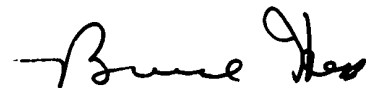
Consequently, it would have been an obvious expedient to optimize the surface pH of the ink jet receiving sheets of the primary references.

Applicant's assertion to the contrary, there is no evidence of unexpected results for any material other than calcium ~~nitrate~~ <sup>nitrate</sup> (i.e., the only material tested at pH values  $\geq 5$ ).

Any inquiry concerning this communication should be directed to Bruce Hess at telephone number (571) 272-1525.

B. Hess/af

February 18, 2004



BRUCE H. HESS  
PRIMARY EXAMINER